IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KIMBERLY EUBANKS	)	
	)	
Plaintiff,	)	
	)	**CIVIL FILE ACTION**
v.	)	**NO.: 1:11-cv-3969-AJB**
	)	
HENRY COUNTY	)	
	)	
Defendant.	)	
	)	

DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW HENRY COUNTY, GEORGIA, the Defendant in the above-styled civil action, and, pursuant to LR 7.1., N.D.Ga., files this Motion to Strike Plaintiff's Response to Defendant's Motion for Summary Judgment.

INTRODUCTION

On May 15, 2013, Defendant filed a motion for summary judgment. [Doc. No. 66]. The brief in support of said motion consisted of 21 pages. [Doc. No. 66-1]. After receiving several extensions to file a responsive brief, Plaintiff filed a brief on June 13, 2013, consisting of 42 pages. [Docs. Nos. 73 and 74]. Plaintiff did not obtain leave of court prior to filing that non-compliant brief. Instead, hours prior to filing that non-compliant brief, Plaintiff filed a one page (1) motion to exceed the page limit. [Doc. No. 72].

Of even date herewith, Defendant filed a response opposing Plaintiff's motion to exceed the page limit. [Doc. No. 78]. The purpose of this companion filing is to seek certain relief relating to Plaintiff's non-compliant brief.

ARGUMENT AND CITATIONS TO AUTHORITY

The rules of this court require litigants to obtain prior permission before filing a brief in excess of twenty-five pages. LR 7.1.D, N.D.Ga. Plaintiff disregarded that rule by filing a 42 page brief prior to obtaining leave of court. As such, Defendant seeks the following relief to remedy that rules violation. In particular, Defendant seeks the following court action:

1. An order striking the non-compliant brief [Doc. Nos. 73 and 74];[1]

2. An order requiring Plaintiff to file a condensed brief in conformity with LR. 7.1.D (that does not expand or modify the arguments presented in the non-compliant brief)[2] within five (5) days of the entry of any such Order.

---

[1] Plaintiff filed two (2) versions of the same brief.

[2] Plaintiff should not benefit from her rule violation. As such, Defendant believes that the compliant brief should be a condensed version of the non-compliant brief. If Plaintiff is allowed to add new arguments, then necessarily Plaintiff would receive a de facto time extension.

3. An order specifying that Defendant's response to Plaintiff's condensed, compliant brief and statement of material facts [Doc. No. 74-1] is due fourteen (14) days after service of same.

Defendant believes the foregoing represents a fair resolution to a situation unilaterally created by Plaintiff's disregard of the local rules.

This 17th day of June, 2013.

Respectfully submitted,

O'QUINN & CRONIN, LLC

s/Donald A. Cronin
DONALD A. CRONIN
Georgia Bar No. 197270

Attorney for Defendant

103 Keys Ferry Street
McDonough, Georgia 30253
(770) 898-0333 (telephone)
(770) 898-0330 (facsimile)
donald@oqclaw.com (e-mail)

CERTIFICATE OF SERVICE

I hereby certify that the undersigned electronically filed the foregoing **DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of Court using the CM/ECF system, which will automatically send email notification to all counsel of record in this matter.

This the 17th day of June, 2013.

Respectfully submitted,

O'QUINN & CRONIN, LLC

s/Donald A. Cronin
DONALD A. CRONIN
Georgia Bar No. 197270

Attorney for Defendant

103 Keys Ferry Street
McDonough, Georgia 30253
(770) 898-0333 (telephone)
(770) 898-0330 (facsimile)
donald@oqclaw.com (e-mail)